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NOTES AND MEMORANDA.

ROMAN AND ANGLO-SAXON AGRARIAN CONDITIONS.

Attention has recently been called to the importance of the fact that in many of the old English land charters, commencing as early as A.D. 674, two terms, *casati* and *manentes*, are of frequent occurrence, which were also in contemporary use on the continent of Europe to designate prædial serfs.* This suggests at once a similarity of conditions in the two cases, and the possibility, at least, that the origin of serfdom in England was the same as on the continent. It is becoming increasingly clear that over a large part of Western Europe there was no break in the continuity of social development, and that the agrarian conditions of the Middle Ages are to be traced back in the main to those of the later Roman Empire. Still, the question is not yet free from obscurity; and it chanced that neither of these particular terms can be distinctly traced back to Roman times.† If, however, a term be found in use after the Barbarian Invasion, which can be traced back unmistakably to Roman times and Roman conditions, the argument for Roman influence in shaping later institutions will be greatly strengthened.

There is such a term in the word *tributarius*, which occurs in the laws of the later empire as an equivalent for the *colonus* from whom the *tributum* was collected, and continues in use throughout Europe till the later Middle Ages.‡ In Roman times, as well as later, it occurs not only in the laws, but inci-

*Professor W. J. Ashley in *Introduction* to English translation of Fustel de Coulanges' *Origin of Property in Land*, p. xv.

†Though the imperial officials were ordered by a law of A.D. 369 to inquire upon newly acquired estates "quot sint *casarii* vel *coloni*." Fustel de Coulanges, *Recherches*, p. 64; *L'Alleu*, p. 57.

‡Savigny, *Vermischte Schriften*, vol. ii. pp. 5, 33. See also Du Cange, *s. v.*

dentially in other writings of a very different nature, which indicates that it was widely used and generally understood. After the barbarian invasions it occurs in many parts of the continent,—in France, Germany, and Lombardy, and in many different sorts of documents,—laws, charters, lives, and chronicles. In the fifth and sixth centuries it is unchanged in form. In the seventh century the word itself does not appear, if we may rely on Du Cange: but we find the expression *tributaria casa*; and *tributa* is used in the laws of the Bavarians and Alamanni for the dues in kind payable both by *coloni* and by *servi*.* From the eighth century onward it occurs frequently, both in its original form and modified into *tributales*.

But the mere continuous use of the term is not enough: its connection with Roman conditions must be more clearly shown before a conclusive argument can be based upon it. In some cases, at least, this connection seems undeniable. In the *Lex Salica* it occurs as the equivalent of the Roman *colonus*.† In the Germanic laws of the sixth century it is found, according to Fustel de Coulanges, with the same signification as in the Roman laws of the fourth century.‡ It is, however, still more important to observe that even Waitz himself, the champion of Teutonism among constitutional historians, admits its continuous use with its old meaning in one German district. This was South-eastern Bavaria, where there was not only a large class of *tributarii*, but where their Roman origin is distinctly announced in the documents by the use of the expressions *Romani tributarii* or *Romani tributales*. Waitz sums up his conclusions as follows: "The conditions of the Roman *colonate*, as it had grown up in the conquered provinces, remained intact in the districts taken possession of by the Germans. Here personal freedom was associated with a dependent holding of land; and, as a rule, the *coloni* would seem to have suffered no more than a change of masters."§

This is an important admission; for, if the Roman agrarian

* See the excerpts in Seeböhm, *Village Community*, pp. 323, 325; and cf. Fustel de Coulanges' *L'Alleu*, p. 161, notes 3, 4.

† Waitz, *Verfassungsgeschichte*, vol. ii. p. 242 and references.

‡ *L'Invasion Germanique*, p. 142.

§ *Verfassungsgeschichte*, vol. ii. pp. 239-242.

system survived in this one district, it may have done so in any other place where the conditions happened to be equally favorable; and, if the term *tributarii* in Bavaria in the eighth and ninth centuries meant a class* of unmistakable Roman derivation, its use elsewhere may also point to a similar origin. Now, it happens that this same term is found in England early in the Anglo-Saxon times; and its connection with the Roman occupation of the island is at once suggested. It occurs as early as 673, and continues in use about one hundred and twenty years. By a charter of 673,† Caeduaalla, king of the South Saxons, gives for the foundation of a church at Selsey “fifty-five *tributarii*,” and also “the land of thirty-two *tributarii*.”‡ Another charter of 680 transfers to the bishop, Wilfred, land reckoned at an “estimation of seventy *tributarii*” as well as the “land . . . of ten *tributarii*.”§ Still another charter || of 725 transfers to Eadberht, bishop of Selsey, “twenty *tributarii*.” These three cases and several others in the same form ¶ are in the south-east of England, in Sussex and Wessex; but the term is not confined to that district. A document of about 700, written, probably, at York, speaks incidentally of a transfer of the land of ten *tributarii* at Aestanford; ** and a charter of 744 to the monastery at Glastonbury in the extreme south-west, mentions *tributarii* and *coloni* in a way which evidently means the cultivators of the soil.†† It also occurs in the *Dialogus* of Egbert (archbishop of York from 732 to 765) in a very different connection, as the measure of the value of oaths,—a priest being allowed to swear

* Usually, the persons themselves, but sometimes the persons with their holdings, and therefore conversely the holdings with the cultivators upon them.

† This is the date given by Dugdale. Kemble dates it 683.

‡ Dugdale, *Monasticon*, viii. p. 1162, No. I.; Kemble, *Codex Diplomaticus*, No. 992; Birch, *Cartularium Saxonicum*, i. p. 99.

§ Birch, i. p. 82; Earle, *Land Charters*, p. 281; Kemble, No. 18.

|| Earle, p. 22; Kemble, No. 1000; Birch, i. p. 211.

¶ Dugdale, viii. p. 1163 *et seq.* One of these is dated in Dugdale as early as 662, but in Kemble it is dated 765. In this case, the words are “*xii. tributarii terrae*.” Kemble, No. 1008; Dugdale, viii. p. 1164; Birch, i. p. 281, No. IX.

** Stephani Eddii, *Vita S. Wulfredi Episc. Ebor.*, cap. 8, in Gale, *Historiae Britannicae Scriptores*, i. p. 55.

†† Dugdale, i. p. 47; Birch, i. p. 242; Kemble, No. 92.

"according to the number of one hundred and twenty *tributarii*," and a deacon "according to the number of thirty."* We find the term employed, therefore, not only in three very widely separated districts, but also in such a way as to indicate that the class must have been a numerous one; for otherwise the value of the oath of a *tributarius* would not have been a unit of reckoning in judicial procedure. Moreover, we must notice that the period to which these facts belong was too soon after the Saxon Conquest—only two centuries—to allow time for the growth of an entirely new class of dependent cultivators out of the degradation of free Saxon tribesmen.

Another point deserves attention. The *tributarii* were the payers of the *tributum*,† — a term for which the Anglo-Saxon *gafol* would be the natural equivalent.‡ Now, it chanced that in the laws of Ine, c. A.D. 688, we have mention of the *gafol-gelda*,—the payer of the *gafol*; and apparently the word is used as synonymous with *gebur*.§ In another law of Ine|| the *Wealh gafol-gelda* is spoken of, whose position is above that of the *theow*; for, if the former be killed, the slayer is to pay 120s., if the latter, only 60s. But, while superior to the *theow*, he was inferior to the *ceorl*, whose *wer-gild* was 200s.¶ The term is used nowhere else in the Anglo-Saxon laws. It is true, mention is often made of *gafol* and of payments of *gafol*; but the composite term, *gafol-gelda*, which would seem a natural equivalent for the single word *tributarius*, occurs nowhere else. If this fact justifies our interpreting the two laws of Ine together, we get a picture of a class of subject Britons remarkably like the Roman *tributarii*,—superior in position to the slave, yet inferior to the free *ceorl*, occupying houses, cultivating the soil, and called

*Thorpe, *Ancient Laws of England*, ii. p. 87.

† Savigny *Vermischte Schriften*, vol. ii. p. 33; Fustel de Coulanges, *L'Alleeu*, p. 399.

‡ For instances in which *tribute* in other connections is translated *gafol*, see Seebohm, pp. 144, 145.

§ 6, § 3; Schmid, *Gesetze der Angelsachsen*, 22; Thorpe, i. p. 106. It is quite clear from the *Rectitudines* that the *gebur* in the later Saxon period occupied substantially the same position as that of the *villein* subsequently.

|| 23, § 3; Schmid, p. 30; Thorpe, i. p. 119.

¶ Schmid, s. v. *ceorl*.

“tribute-payers.” It is suggestive also that, as this term is not found in the later laws, so also the term *tributarius* early disappears. If we except a spurious charter dated 795, it does not occur later than 791.* This disappearance is exactly what might be expected if the Saxons found in Britain a Roman agricultural system, and, instead of wiping it out, retained and gradually modified it. The cultivators of the soil,—the *tributarii*, or tribute-payers,—would remain, and would still be called by their Latin name or an Anglo-Saxon equivalent. If, however, as Savigny † and, more recently, Seebohm ‡ assert, the *tributum* was originally a tax paid to the Roman government, it would now be no longer paid; and the name *tributarius*, having lost its special significance, would gradually disappear.

One more link helps to connect these *tributarii* of Anglo-Saxon England with the Roman occupation. As there were *tributarii* elsewhere in the Roman world in the later days of the empire as one of the characteristic features of her agrarian system, we might very reasonably assume, without any direct evidence, that there must have been the same class in Britain, too. But we need not make the assumption, for we have direct evidence that such was the case. A decree of the Emperor Constantine in 319, addressed to Pacatianus, Vicar of the Britains, speaks of *tributarii* in connection with *coloni*.§ About half a century later, Ammianus Marcellinus, describing the suppression of a British revolt of the year 368, mentions the cattle of the *miserrimi tributarii*.|| There were, then, *tributarii* in Britain during the Roman occupation. It is certainly significant that in some of the very earliest documents of the Anglo-Saxon period, less than two centuries after the Saxon Conquest, the same term occurs in such a way as to indicate its common use.

* Du Cange; Kemble, No. 1016. It does, indeed, appear in a charter of 957, — Dugdale, viii. 1166, No. XVIII.; Kemble, No. 464; but this merely repeats the terms of the charter of 673, mentioned above.

† *Vermischte Schriften*, ii. pp. 31–33.

‡ *Village Community*, pp. 293, 294.

§ *Cod. Theod.*, lib. xi. tit 7, 2.

|| Ammianus Marcellinus, lib. xxvii. c. 8. Attention was first called to this fact by Coote in his *Romans in Britain*, p. 131. Mr. Seebohm has already referred to the significance of the decree of 319; *Village Community*, p. 294.

To sum up briefly, the evidence is this: 1. The term *tributarius* is found on the continent as an equivalent for *colonus* in the later Roman times, and continues in use till long after the barbarian invasion. 2. In one district, at least, direct connection with the Roman system is clearly proved. 3. There were *tributarii* in Britain during the Roman occupation. 4. The same term is used in the earliest documents of the Anglo-Saxon period, within two centuries after the Saxon Conquest of Sussex,* and within seventy years after the final completion of the Saxon Conquest.† 5. Under a new *régime*, in which the term would lose its special significance, it soon disappears, together with an Anglo-Saxon term which may be its possible equivalent.

Is not this evidence sufficiently complete to throw the burden of proof on those who assert that the Roman agrarian system in Britain was completely swept away?

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THE BANK OF VENICE.

In an article on the origin and nature of the Bank of Venice, printed in these pages in April last, the remark was made that the history of the Bancogiro from its establishment in 1619 has never been written; and it was added that, although much material exists, "nobody has thought it worth while to follow the bank carefully through its vicissitudes, and it is not certain that the gain from doing so would be great." The writer of the article regrets that by his failure to observe the monograph *Il Banco Giro di Venezia* of Professor Soresina‡ he has done injustice to a valuable work and a meritorious writer.

Professor Soresina, in preparation for his work, made a laborious examination of the material existing in the Marcian Library and in the Archives of the Frari, and appears to have thoroughly explored these sources. This investigation enabled him to make a careful review of a period of Venetian banking

* Capture of Anderida, A.D. 491.

† Battle of Chester, A.D. 613.

‡ Amadeo Soresina, *Il Banco Giro di Venezia*. Venice, 1889. 8vo, pp. 94.